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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,054	07/08/2003	Tadayoshi Kono	1071.1046D	7507
21171	7590	11/07/2008		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER PHILIPPE, GIMS S	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 11/07/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/614,054	<b>Applicant(s)</b> KONO ET AL.	
	<b>Examiner</b> Gims S. Philippe	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-20 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-13 and 23 is/are rejected.
- 7) ☒ Claim(s) 14-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. Applicant's amendment received on July 16 2007 in which claims 9 and 10 were amended has been fully considered and entered but the arguments are moot in view of the new ground(s) of rejection.

**Note:** The new ground of rejections is rendered necessary in view of a newly found reference. The examiner apologizes for the inconvenience, which that may cause the Applicant because of the previously indicated allowable claims.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 10 recites the limitation "the predetermined number of pictures" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by Takabatake et al. (US Patent no. 6,320,909).

Regarding claim 9, Tabatake discloses in fig. 1 an MPEG video decoder comprising: a picture decoding section for starting to decode a MPEG bit-stream in response to a decoding start command (See Takabatake fig. 1, decoder 10, col. 7, lines 24-34 and col. 10, lines 39-43); a decoding frame buffer for storing picture data decoded by said picture decoding section (See fig. 1, item 16 and col. 7, lines 39-42); a display control section for analyzing parameters of the picture data for the each pictures, said picture data being decoded by said picture decoding section (See Takabatake fig. 1, item 20 and 14, and col. 7, lines 44-51), and controlling a transfer of said picture data from said decoding frame buffer to a display unit in accordance with an analysis result of said parameters (See fig. 1, item 18, col. 10, lines 43-46); and a decoding control section for

outputting said decoding start command based on the parameters of said picture data (See col. 7, lines 44-51). The applicant should note that the pixel data as disclosed in col. 10, lines 13-16 is the picture "parameter" as claimed.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10-13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabatake et al. (US Patent no. 6,320,909) in view of Duroz et al. (US Patent no. 6,654,539).

Regarding claim 23, Takabatake discloses the same MPEG decoding method comprising the steps of starting to decode MPEG bit stream in response to a decoding start command outputted from a decoding control section (See Takabatake col. 7, lines 24-34), storing decoded picture data in a decoding frame buffer (See col. 7, lines 39-42), storing parameters of the decoded picture data in a display control section (See Takabatake col. 7, lines 44-51), determining the number of display fields for each

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picture from the parameters by the display control (See col. 20, lines 51-67 and col. 21, lines 1-4), and displaying each of the picture on a display control unit for a period of time equivalent to the number of display fields (See col. 21, lines 5-20). The applicant should note that the pixel data is the claimed "parameters".

It is noted that Takabatake is silent about the plurality of parameters with a plurality of peculiar playback flags, the display control section determines the number of display fields in accordance with a combination of states of the plurality of peculiar playback flags.

However, Duruoz discloses a decoding method wherein a plurality of parameters with a plurality of peculiar playback flags, the display control section determines the number of display fields in accordance with a combination of states of the plurality of peculiar playback flags (See Duruoz fig. 12 with the plurality of playback flags, and col. 16, lines 14-46).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Takabatake's display controller by incorporating the plurality of parameters with a plurality of peculiar playback flags, the display control section determines the number of display fields in accordance with a combination of states of the plurality of peculiar playback flags as taught by Duruoz. The motivation for performing such a modification in Takabatake is to successfully execute the decoding/play command as it's being acknowledged (See Duruoz col. 16, lines 41-46).

As per claim 10-12, most of the limitations of these claims have been noted in the above rejection of claim 9.

It is noted that Takabatake is silent about the plurality of parameters with a plurality of peculiar playback flags, the display control section determines the number of display fields in accordance with a combination of states of the plurality of peculiar playback flags.

However, Duruoz discloses a decoding method wherein a plurality of parameters with a plurality of peculiar playback flags, the display control section determines the number of display fields in accordance with a combination of states of the plurality of peculiar playback flags (See Duruoz fig. 12 with the plurality of playback flags and col. 16, lines 14-46).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Takabatake's display controller by incorporating the plurality of parameters with a plurality of peculiar playback flags, the display control section determines the number of display fields in accordance with a combination of states of the plurality of peculiar playback flags as taught by Duruoz. The motivation for performing such a modification in Takabatake is to successfully execute the decoding/play command as it's being acknowledged (See Duruoz col. 16, lines 41-46).

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As per claim 13, fig. 4 as shown in Takabatake represents the table showing the relation between the parameters of the picture data and the number of display fields.

9. Claims 14-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gims S Philippe  
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